

Appln. No. 10/700,955
Amendment dated April 28, 2004
Reply to Office Action mailed February 24, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1, 4 and 6 through 10 remain in this application. Claims 2, 3 and 5 have been cancelled. Claims 11 through 15 have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

The drawings have been objected to.

Submitted under separate cover and addressed to the Examiner is applicant's proposed amendment of the drawing. Specifically, in Figure 1 of the drawings as originally filed, reference number "10" has been added as well as reference numbers "1" and "2" have been added to clearly shows environmental items as required in the Office Action.

In regard to "the vertically mounted cleats" not being shown in the drawings as stated in the Office Action, attention is directed to Figure 4 and to page 4, lines 27 through 29 of the specification, reiterated below.

"Figure 4 is a side view of one of the mounting portions and one of the mounting members of the present invention mounted to a vertical cleat."

As can be clearly seen in Figure 4 the cleat is mounted on a vertical surface of the boat and therefore is clearly vertically mounted as Figures 1 through 3 are showing the cleats as horizontally mounted. Further, the specification has been amended to provide further clarification as to the definition of the vertically mounted cleat. Therefore, it is submitted that the drawings as originally submitted clearly show a vertically mounted cleat.

In light of the proposed amendments, it is therefore submitted that the objection to the drawings as originally filed has been overcome, and withdrawal of the objection to the drawings is respectfully requested.

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Paragraph 2 of the Office Action

The specification has been objected to for the informalities noted in the Office Action.

The specification has been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action. In regard to the requirement that the fishing rod holders and the securing means need to be numbered in the specification, it is respectfully submitted that the fishing rod holders and any clamping means are not specifically claimed by the applicant as can be seen by the fishing rod holders being listed in the preamble claims 1 and 10. The fishing rod holders are environmental in nature much that same as the boat and cleats are. In regard to the specification failing to provide proper antecedent basis for the vertically mounted cleats of the boat, attention is directed to Figure 4, page 4, lines 27 through 29 and page 6, line 24 through page 7, line 8 of the specification of which provides clear antecedent basis for the vertically mounted cleats of the boat.

Withdrawal of the objection is respectfully requested.

Paragraph 3 of the Office Action

Claims 1 and 10 have been objected to for the informalities noted in the Office Action.

Claims 1 and 10 have been amended in a manner believed to clarify any informalities in the language, particularly at the points identified in the Office Action.

Withdrawal of the objection to claims 1 and 10 is therefore respectfully requested.

Paragraph 4 of the Office Action

Claims 1 and 10 have been rejected under 35 U.S.C. §112 (first paragraph) as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make

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and/or use the invention.

The present invention relates to a fishing pole holder mounting system. It is well known in the art of fishing pole holder mounting systems to use fishing rod holders. Prior patents are not only available to practitioners in this art, but they are evidence of what is known to the person of ordinary skill in the art. Because numerous fishing pole holder mounting system patents exist (and were available prior to the date of filing for this particular application) such information need not be directly referenced in the specification of this particular application.

The starting point under §112 is that a duty is imposed which must be met by an applicant. In exchange for the patent, he must enable others to practice his invention. An inventor need not, however, explain every detail since he is speaking to those skilled in the art. What is conventional knowledge will be read into the disclosure. Accordingly, an applicant's duty to tell all that is necessary to make or use varies greatly depending upon the art to which the invention pertains. (emphasis added)

In Re Howarth, 210 U.S.P.Q. 689, 688 (CCPA 1981).

Thus, it is submitted that one skilled in the art to make the present invention is capable of making and using the claimed invention with the knowledge as known in those prior art patents available regarding fishing pole holder mounting systems. Therefore, it is submitted that the specification does provide sufficient enabling disclosure.

Withdrawal of the §112 (first paragraph) rejection of claims 1 and 10 is respectfully requested.

Paragraph 5 of the Office Action

Claims 2-5 and 9-10 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action. Further, in regard to the rejection of claims 4 and 10 concerning the ability of the fasteners to be placed through both

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the horizontal and vertical bores and apertures, attention is directed the amended claims. The claims have been amended to provide further clarification that the fasteners pass through the horizontal bores and horizontal apertures when the mounting portions and mounting members are clamping the horizontally mounted cleats with the fasteners passing through the vertical bores and vertical apertures when the mounting portions and the mounting members are clamping the vertically mounted cleats. Therefore, the use of the fasteners, bores and apertures have been more clearly defined.

Withdrawal of the §112 rejection of claims 2-5 and 9-10 is therefore respectfully requested.

Paragraph 6 of the Office Action

Claims 1-2 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,564,670 to Dysarz.

Claim 1, particularly as amended, requires "each of said mounting members comprising a plurality of horizontal bores such that said horizontal bores extend through the associated one of said mounting members, each of said mounting portions of said support member comprising a plurality of horizontal apertures such that said horizontal apertures extend through the associated one of said mounting portions, said horizontal bores of each of said mounting members being aligned with said horizontal apertures of the associated one of said mounting portion when said mounting members and said mounting portions are clamping horizontally mounted cleats of the boat, each of a plurality of fasteners being selectively extended through one of said horizontal bores and an aligned one of said horizontal apertures such that said fasteners secure said mounting members to said mounting portions to clamp the cleats between said mounting members and said mounting portions of said support member when said mounting members and said mounting portions are clamping horizontally mounted cleats of the boat". These limitations have been taken from claim 3.

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Examiner has indicated in paragraph 8 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 3 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 3 and any intervening claims, is believed to be allowable.

Claim 9 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 9 is also believed to be allowable over the cited reference.

Claim 2 has been cancelled.

Withdrawal of the §102(b) rejection of claims 1-2 and 9 is therefore respectfully requested.

Paragraph 7 of the Office Action

Claims 6-8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dysarz as applied to claim 1 above, and further in view of U.S. Patent No. 5,673,507 to Stokes.

Claim 1, particularly as amended, requires "each of said mounting members comprising a plurality of horizontal bores such that said horizontal bores extend through the associated one of said mounting members, each of said mounting portions of said support member comprising a plurality of horizontal apertures such that said horizontal apertures extend through the associated one of said mounting portions, said horizontal bores of each of said mounting members being aligned with said horizontal apertures of the associated one of said mounting portion when said mounting members and said mounting portions are clamping horizontally mounted cleats of the boat, each of a plurality of fasteners being selectively extended through one of said horizontal bores and an aligned one of said horizontal apertures such that said fasteners secure said mounting members to said mounting portions to clamp the cleats between said mounting members and said mounting portions of said support member when said mounting members and said

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mounting portions are clamping horizontally mounted cleats of the boat".
These limitations have been taken from claim 3.

Examiner has indicated in paragraph 8 of the Office Action that the prior art of record fails to teach or adequately suggest the claimed features of claim 3 together with the base claim and any intervening claims. Therefore, claim 1, by virtue of its incorporation of the limitations of claim 3 and any intervening claims, is believed to be allowable.

Claims 6 through 8 are dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claims 6 through 8 are also believed to be allowable over the cited reference.

Withdrawal of the §103(a) rejection of claims 6-8 is therefore respectfully requested.

Paragraph 8 of the Office Action:

Claims 3-5 have been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action and would be allowable if written into independent form with the limitations of the base claim and any intervening claims.

The above amendment incorporates the limitations of claims 2 and 3 into the recitation of claim 1, and therefore claim 1 is believed to be in condition for allowance. Claims 6 through 9, by virtue of their dependency from amended claim 1, are also submitted to be in condition for allowance.

Paragraph 1 of the Office Action:

Claim 10 has been indicated as being allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action.

Claim 10 has been amended and is believed to be in condition for allowance.

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New Claims:


New claims 11 through 15 have been added to vary the scope of the claims and clarify the present invention. All limitations are supported by the original disclosure including the specification, drawings and original claims. Claim 11 incorporates the limitations of Claims 1, 2 and allowable claim 5. Claims 12 through 15 incorporate the limitations of claims 6 through 9 respectively and are dependent on claim 11. Therefore, no new matter has been added. The new claims are believed to be allowable.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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